

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER HAYS,

Plaintiff,

v.

KADLEC REGIONAL MEDICAL  
CENTER, et al.,

Defendants.

No. CV-11-5025-LRS

**ORDER RE SUMMARY  
JUDGMENT MOTIONS**

Defendants have filed summary judgment motions (ECF Nos. 12 and 18) contending they are entitled to judgment as a matter of law on Plaintiffs' medical malpractice claims because Plaintiff has not disclosed any experts who will testify the Defendants were negligent or that their alleged negligence proximately caused Plaintiff's injuries. Defendants assert Plaintiff has failed to respond to Interrogatories and Requests For Production specifically asking for information regarding experts, including the substantive testimony that would support Plaintiff's claims.

On June 1, 2011, a scheduling conference was conducted in this matter, pursuant to which a Scheduling Order (ECF No. 11) was entered on June 8, 2011. The Scheduling Order establishes February 1, 2012 as the deadline for Plaintiff to identify his experts and disclose their reports. Accordingly, the court finds the

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1 summary judgment motions to be premature. There appears to be no compelling  
2 reason why Plaintiff should be obligated to disclose information regarding experts  
3 any earlier than the date established by the court. There would be no reason for  
4 the court to establish a deadline if a party could unilaterally modify it to an earlier  
5 date.

6 Defendants' Motions For Summary Judgment (ECF Nos. 12 and 18) are  
7 **DENIED without prejudice** at this time. Plaintiff's Motion For Extension Of  
8 Time (ECF No. 17) to file a response to the summary judgment motion filed by  
9 Defendant Matthew E. Fewel, M.D., is **DISMISSED** as moot.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
11 this order and provide copies to counsel.

12 **DATED** this 6th day of September, 2011.

13 *s/Lonny R. Suko*

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15 LONNY R. SUKO  
16 United States District Judge  
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